

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS No. C.A. 05-11417-WGY

Stanley Donald, Plaintiff

Vs.

Jeffrey M. Hall, Defendant.

PLNF'S. MOTION TO SHOW CAUSE TO PROCEED

The plaintiff, Stanley Donald, pro-se complies to this Court's Memorandum and Order (U.S.D.C. Paper Entry#3), by showing cause to proceed accordingly:

1.]THE FILING FEE

The plaintiff is indigent, and now resubmits a sufficient application to proceed without prepayment of fees, with his financial statement of inmate account as ordered by this Court. See 28 U.S.C. §§ 1914(a)(Filing fees), 1915.

2.]ORDER TO TREASURER'S OFFICE AT S.B.C.C.

The treasurer has complied and provided the plaintiff with a sufficient six months statement of prison inmate account as ordered by this Court.

3.]PLAINTIFF'S COMPLAINT IS SUBJECT TO SCREENING

The plaintiff is a prisoner subject to the provisions of the Prison Litigation Reform Act. However, the defendant is not a governmental entity or officer or employee. See 28 U.S.C. § 1915(e)(2). The defendant in this action is a private citizen who is not immune from such relief in plaintiff newly amended complaint.

4.]FAILURE TO STATE A COGNIZABLE § 1983 CLAIM

The plaintiff has amended his complaint to assert Federal jurisdiction, and sufficient claims for relief.

5.]FAILURE TO STATE A COGNIZABLE FEDERAL DISCRIMINATION CLAIM

The plaintiff withdraws his discrimination claim since he did not submit his complaint of discrimination to the MCAD within six months of the discrimination. However, the substance of discrimination will be asserted in the complaint.

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6.] STATUTE OF LIMITATIONS AS BAR

The plaintiff is still suffering from the defendant's actions in a pending criminal case which is active for a DNA test, which does not apply to the statute of limitations. The plaintiff provided the defendant ample time to respond by mailing a certified demand letter to the defendant which the defendant failed to answer.

7.] THE STATE-LAW BASED CLAIMS

The plaintiff's Amended Complaint now complies and sets forth a cognizable Federal claim in response to this Court's Memorandum and Order.

WHEREFORE, the plaintiff, Stanley Donald, respectfully requests this Honorable Court to ALLOW him to proceed with this action in the interest of justice.

Respectfully Submitted
By Plaintiff Himself,

Dated: 8/15/2005

Stanley L. Donald
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